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## NOTICE OF ALLOWANCE AND FEE(S) DUE

24498 7590 08/02/2010

Robert D. Shedd, Patent Operations  
THOMSON Licensing LLC  
P.O. Box 5312  
Princeton, NJ 08543-5312

EXAMINER

VAUGHAN, MICHAEL R

ART UNIT

PAPER NUMBER

2431

DATE MAILED: 08/02/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/517,574

12/09/2004

Brian Albert Wittman

PU020277

1365

TITLE OF INVENTION: DATA TRAFFIC FILTERING INDICATOR

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$1510	\$1510	11/02/2010

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

24498 7590 08/02/2010

Robert D. Shedd, Patent Operations  
THOMSON Licensing LLC  
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## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,574	12/09/2004	Brian Albert Wittman	PU020277	1365

TITLE OF INVENTION: DATA TRAFFIC FILTERING INDICATOR

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$1510	\$1510	11/02/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
VAUGHAN, MICHAEL R	2431	726-013000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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10/517,574	12/09/2004	Brian Albert Wittman	PU020277	1365
24498	7590	08/02/2010	EXAMINER	
Robert D. Shedd, Patent Operations THOMSON Licensing LLC P.O. Box 5312 Princeton, NJ 08543-5312			VAUGHAN, MICHAEL R	
			ART UNIT	PAPER NUMBER
			2431	
DATE MAILED: 08/02/2010				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 922 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 922 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/517,574	WITTMAN, BRIAN ALBERT	
	<b>Examiner</b>	<b>Art Unit</b>	
	MICHAEL R. VAUGHAN	2431	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 6/16/10.
2. ☒ The allowed claim(s) is/are 1,6-9,16,18-22,24,26,28,30,32,34 and 35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date <u>12/3/09</u> .</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol> |
|---|--|

/M. R. V./  
Examiner, Art Unit 2431

### **DETAILED ACTION**

The instant application 10/517,574 is presented for examination by the examiner.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 3/18/10 has been entered.

Claims 1, 6-9, 16, 18-22, 24, 26, 28, 30, 32, 34, and 35 are pending.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 6/16/10 has been considered by the examiner.

### ***EXAMINER'S AMENDMENT***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Guy Eriksen on 12/3/09.

The application has been amended as follows:

1. (currently amended) An apparatus—Apparatus adapted to communicate via a network, comprising:
  - a firewall including a set of rules for identifying packets associated with inappropriate activity, the rules in the set being separated into a plurality of classes; and
  - an indicator device for providing a plurality of user discernable indicators, wherein each of the plurality of user discernable indicators is associated with a different one of the plurality of classes and is visually discernable, and wherein a respective one of said plurality of user discernable indicators is triggered if one or more of the rules corresponding to one of said plurality of classes associated with the respective one of said plurality of user discernable indicators is violated,

wherein the rules in the set are prioritized such that each of the plurality of classes represents a respective different one of a plurality of priority levels,

wherein each of the plurality of user discernable indicators except a particular one is associated with the respective different one of the plurality of classes, the particular one of the plurality of user discernable indicators being associated with an affirmative status that filtering is being contemporaneously performed for any of the packets that violate the one or more rules, and ~~wherein the method further comprises filtering any of the packets that violate the one or more rules, and wherein the particular one of the plurality of user discernable indicators is concurrently triggered, along with the respective one of the plurality of user discernable indicators, to indicate that the filtering is being contemporaneously performed, only when a number of the packets that violate the one or more rules exceeds a pre-specified threshold~~ wherein the particular one of the plurality of user discernable indicators along with the respective one of the plurality of user discernable indicators are concurrently triggered, only when a number of the packets that violate the one or more rules exceeds a pre-specified threshold to indicate that the filtering any of the packets that violate the one or more rules is being contemporaneously performed.

16. (as currently amended) A cable modem, comprising:

downstream processing circuitry;

upstream processing circuitry;

a controller in communication with said downstream circuits, upstream circuitry, and a memory;

a firewall program including a set of rules for identifying packets associated with inappropriate activity, the rules being separated into a plurality of classes, said firewall program being resident in said memory and executable by said controller to cause examining data of packets from said downstream and upstream circuitry; and

a plurality of user discernable indicators that are each visually discernable, wherein each of the plurality of user discernable indicators is associated with a different one of the plurality of classes and wherein a respective one of said plurality of user discernable indicators is triggered if one or more of the rules corresponding to one of said plurality of classes associated with the

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respective one of said plurality of user discernable indicators is violated, and wherein the rules in the set are prioritized such that each of the plurality of classes represents a respective different one of a plurality of priority levels,

wherein the firewall program is executable by said controller to cause filtering any of the packets that violate at least one of the rules, and wherein each of the plurality of user discernable indicators other than a particular one is respectively associated with the different ones of the plurality of classes, the particular one of the plurality of user discernable indicators being associated with an affirmative status that filtering is being contemporaneously performed, and wherein the particular one of the plurality of user discernable indicators is triggered, concurrently with the triggering of the respective one of the plurality of user discernable indicators, if the one or more of the rules is violated, the filtering is performed by the firewall program, and a number of the packets that violate the one or more rules exceeds a pre-specified threshold.

19. (as currently amended) The ~~cable modem-apparatus~~ of claim 16, wherein said plurality of user discernable indicators comprises a highlighted icon displayed on a computer device.

22. (as currently amended) The ~~cable modem-apparatus~~ of claim 16, wherein the firewall program is executable by said controller to cause filtering of any of the packets that violate the one or more rules irrespective of a number of the packets that violate the one or more rules, but wherein the respective one of the plurality of user discernable indicators is triggered only when the number of packets that violate the one or more rules exceeds a pre-specified threshold.

32. (as currently amended) The ~~cable modem-apparatus~~ of claim 16, wherein only the particular one of the plurality of user discernable indicators is triggered if the one or more of the rules is violated, the filtering is performed by the firewall program, and the number of the packets that violate the one or more rules does not exceed a pre-specified threshold.

34. (as currently amended) The ~~cable modem-apparatus~~ of claim 16, wherein whether the respective one of the plurality of user discernable indicators is triggered or not is based on which of the plurality of priority levels is involved with respect to a corresponding rule violation.



**In the specification:**

The paragraph beginning on page 12, line 28 is marked up below:

Optional steps 308, 312, and ~~316~~<sup>314</sup> provide a threshold level that must be

***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

Applicant's arguments, filed 10/27/09, with respect to claims 1, 7, and 16 have been fully considered and are persuasive.

The closest prior art of record fails to teach "wherein the particular one of the plurality of user discernable indicators along with the respective one of the plurality of user discernable indicators are concurrently triggered, only when a number of the packets that violate the one or more rules exceeds a pre-specified threshold to indicate that the filtering any of the packets that violate the one or more rules is being contemporaneously performed" in combination with rest of the claims' limitations. Each of the independent claims contains an equivalent limitation in scope. This specific scenario with respect to the indicators, filtering, and threshold in conjunction with the claim firewall would not have been obvious to one of ordinary skill in the art.

***Allowable Subject Matter***

Claims 1, 6-9, 16, 18-22, 24, 26, 28, 30, 32, 34, and 35 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. VAUGHAN whose telephone number is (571)270-7316. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:00pm, EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. R. V./  
Examiner, Art Unit 2431

/William R. Korzuch/  
Supervisory Patent Examiner, Art Unit 2431

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